

REGULATION No. V OF 1911

(Received the assent of His Highness the Maharaja on
the 9th day of May 1911.)

**A Regulation to consolidate and amend the
law relating to Guardian and Ward.**

WHEREAS it is expedient to consolidate and amend
the law relating to guardian and ward; His Highness the
Maharaja is pleased to enact as follows:

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called "the Guardian and Wards Regulation, 1911." Title, extent
and com-
mencement.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of
July 1911.

2. (1) On and from that day the enactments men- Repeal.
tioned in the schedule shall be repealed to the extent
specified in the third column thereof.

(2) But all proceedings had, certificates granted,
allowances assigned, obligations imposed, and applications,
appointments, orders and rules made under any of those
enactments shall, so far as may be, be deemed to have
been respectively had, granted, assigned, imposed and
made under this Regulation; and

(3) Any enactment or document referring to any
of those enactments shall, so far as may be, be construed
to refer to this Regulation or to the corresponding portion
thereof.

3. In this Regulation, unless there is something Definitions.
repugnant in the subject or context,—

(1) "minor" means a person who has not com-
pleted the age of eighteen years or, if he is not domiciled
in Mysore, has not attained majority according to the
law to which he is subject;

(2) "guardian" means a person having the care of
the person of a minor or of his property, or of both his
person and property;

(3) "ward" means a minor for whose person or
property, or both, there is a guardian;

(4) "District Court" includes a court invested
with the functions of a District Court under the provi-
sions of section 4 of this Regulation and also the
Chief Court when exercising original civil jurisdiction
under section 12 of the Mysore Chief Court Regulation:

(5) "the Court" means the District Court having jurisdiction to entertain an application under this Regulation for an order appointing or declaring a person to be a guardian; and, where a guardian has been appointed or declared in pursuance of any such application, it means the Court which appointed or declared the guardian, or, in any matter relating to the person of the ward, the District Court having jurisdiction in the place where the ward for the time being ordinarily resides:

(6) "Deputy Commissioner" includes any officer whom the Government, by notification in the official Gazette, may, by name or in virtue of his office, appoint to be a Deputy Commissioner in any local area, or with respect to any class of persons, for all or any of the purposes of this Regulation.

(7) "prescribed" means prescribed by rules made by the Chief Court under this Regulation.

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation.

4. (1) The Government may, by notification in the official Gazette, invest any Court inferior in grade to a District Court with the functions of a District Court under this Regulation.

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction, have concurrent jurisdiction with the District Court in the exercise of all the powers conferred by this Regulation upon the District Court, and the provisions of this Regulation relating to the District Court shall apply to such an inferior Court as if it were a District Court.

(3) The District Court may withdraw any proceedings under this Regulation from an inferior Court and may either itself dispose of them or transfer them to another such Court established within the local limits of the jurisdiction of the District Court and having authority to dispose of the proceedings, or retransfer them for trial or disposal to the Court from which they were withdrawn.

(4) A notification under sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

(5) Any Civil Court which for any of the purposes of any enactment is subordinate to, or subject to the control of, a District Court shall, for the purposes of this section, be deemed to be a Court inferior in grade to a District Court.

CHAPTER II.

APPOINTMENT AND DECLARATION OF GUARDIANS.

Saving of certain powers.

5. In the case of a minor, nothing in this Regulation shall be construed to take away or derogate from any power to appoint a guardian of his person or property, or both, which is valid by the law to which the minor is subject.

Power of the Court to make order as to guardianship.

6. (1) Where the Court is satisfied that it is for the welfare of a minor that an order should be made—

(a) appointing a guardian of his person or property, or both, or

(b) declaring a person to be such a guardian, the Court may make an order accordingly.

(2) An order under this section shall imply the removal of any guardian who has not been appointed by will or other instrument or appointed or declared by the Court.

(3) Where a guardian has been appointed by will or other instrument or appointed or declared by the Court, an order under this section appointing or declaring another person to be guardian in his stead shall not be made until the powers of the guardian appointed or declared as aforesaid have ceased under the provisions of this Regulation.

7. An order shall not be made under the last foregoing section except on the application of—

Persons entitled to apply for order.

(a) the person desirous of being, or claiming to be, the guardian of the minor, or

(b) any relative or friend of the minor, or

(c) the Deputy Commissioner of the district or other local area within which the minor ordinarily resides or in which he has property, or

(d) the Deputy Commissioner having authority with respect to the class to which the minor belongs.

8. (1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.

Court having jurisdiction to entertain application.

(2) If the application is with respect to the guardianship of the property of the minor, it may be made either to the District Court having jurisdiction in the place where the minor ordinarily resides or to a District Court having jurisdiction in a place where he has property.

(3) If an application with respect to the guardianship of the property of a minor is made to a District Court other than that having jurisdiction in the place where the minor ordinarily resides, the Court may return the application if, in its opinion, the application would be disposed of more justly or conveniently by any other District Court having jurisdiction.

9. (1) If the application is not made by the Deputy Commissioner, it shall be by petition signed and verified in the manner prescribed by the Code of Civil Procedure for the signing and verification of a plaint, and stating, so far as can be ascertained,—

Form of application.

(a) the name, sex, religion, date of birth and ordinary residence of the minor;

(b) where the minor is a female, whether she is married; and, if so, the name and age of her husband;

(c) the nature, situation and approximate value of the property, if any, of the minor;

(d) the name and residence of the person having the custody or possession of the person or property of the minor;

(e) what near relations the minor has, and where they reside;

(f) whether a guardian of the person or property, or both, of the minor, has been appointed by any person entitled or claiming to be entitled by the law to which the minor is subject to make such an appointment;

(g) whether an application has at any time been made to the Court or to any other Court with respect to

the guardianship of the person or property, or both, of the minor, and, if so, when, to what Court and with what result;

(h) whether the application is for the appointment or declaration of a guardian of the person of the minor, or of his property, or of both;

(i) where the application is to appoint a guardian, the qualifications of the proposed guardian;

(j) where the application is to declare a person to be a guardian, the grounds on which that person claims;

(k) the causes which have led to the making of the application; and

(l) such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

(2) If the application is made by the Deputy Commissioner, it shall be by letter addressed to the Court and forwarded by post or in such other manner as may be found convenient, and shall state as far as possible the particulars mentioned in sub-section (1).

(3) The application must be accompanied by a declaration of the willingness of the proposed guardian to act, and the declaration must be signed by him and attested by at least two witnesses.

Procedure on admission of application.

10. If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof, and cause notice of the application and of the date fixed for the hearing—

(a) to be served in the manner directed in the Code of Civil Procedure on—

(i) the parents of the minor if they are residing in Mysore,

(ii) the person, if any, named in the petition or letter as having the custody or possession of the person or property of the minor,

(iii) the person proposed in the application or letter to be appointed or declared guardian, unless that person is himself the applicant, and

(iv) any other person to whom, in the opinion of the Court, special notice of the application should be given; and

(b) to be posted on some conspicuous part of the Court-house, and of the residence of the minor, and otherwise published in such manner as the Court, subject to any rules made by the Chief Court under this Regulation, thinks fit.

Power to make interlocutory order for production of minor and interim protection of person and property.

11. (1) The Court may direct that the person, if any, having the custody of the minor shall produce him or cause him to be produced at such place and time and before such person as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

(2) If the minor is a female who ought not to be compelled to appear in public, the direction under sub-section (1) for her production shall require her to be produced in accordance with the customs and manners of the country.

(3) Nothing in this section shall authorise—

(a) the Court to place a female minor in the temporary custody of a person claiming to be her guardian on the ground of his being her husband, unless she is already in his custody with the consent of her parents, if any, or

(b) any person to whom the temporary custody and protection of the property of a minor is entrusted to dispossess otherwise than by due course of law any person in possession of any of the property.

12. On the day fixed for the hearing of the application, or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

Hearing of evidence before making of order.

13. If proceedings for the appointment or declaration of a guardian of a minor are taken in more Courts than one, each of those Courts shall, on being apprised of the proceedings in the other Court or Courts, stay the proceedings before itself, and shall report the case to the Chief Court, and the Chief Court shall determine in which of the Courts the proceedings with respect to the appointment or declaration of a guardian of the minor shall be had.

Simultaneous proceedings in different Courts.

14. (1) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property, or both, the Court may, if it thinks fit, appoint or declare them.

Appointment or declaration of several guardians.

(2) Separate guardians may be appointed or declared of the person and of the property of a minor.

(3) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

15. If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall, on production of a certified copy of the order appointing or declaring the guardian, accept him as duly appointed or declared and give effect to the order.

Appointment or declaration of guardian for property beyond jurisdiction of the Court.

16. (1) In appointing or declaring the guardian of a minor, the Court shall, subject to the provisions of this section, be guided by what, consistently with the law to which the minor is subject, appears in the circumstances to be for the welfare of the minor.

Matters to be considered by the Court in appointing guardian.

(2) In considering what will be for the welfare of the minor, the Court shall have regard to the age, sex and religion of the minor, the character and capacity of the proposed guardian and his nearness of kin to the minor, the wishes, if any, of a deceased parent, and any existing or previous relations of the proposed guardian with the minor or his property.

(3) If the minor is old enough to form an intelligent preference, the Court may consider that preference.

(4) The Court shall not appoint or declare any person to be a guardian against his will.

17. Where a Deputy Commissioner is appointed or declared by the Court in virtue of his office to be guardian of the person or property, or both, of a minor, the order appointing or declaring him shall be deemed to authorise and require the person for the time being holding the

Appointment or declaration of Deputy Commissioner in virtue of office.

office to act as guardian of the minor with respect to his person or property, or both, as the case may be.

Guardian not to be appointed by the Court in certain cases.

18. Nothing in this chapter shall authorise the Court to appoint or declare a guardian of the person—

(a) of a minor who is a married female and whose husband is not, in the opinion of the Court, unfit to be guardian of her person, or,

(b) except in accordance with the law to which he is subject, of a minor whose father is living and is not, in the opinion of the Court, unfit to be guardian of the person of the minor.

CHAPTER III.

DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

General.

Fiduciary relation of guardian to ward.

19. (1) A guardian stands in a fiduciary relation to his ward, and, save as provided by the will or other instrument, if any, by which he was appointed, or by this Regulation, he must not make any profit out of his office.

(2) The fiduciary relation of a guardian to his ward extends to and affects purchases by the guardian of the property of the ward and by the ward of the property of the guardian immediately or soon after the ward has ceased to be a minor, and generally all transactions between them while the influence of the guardian still lasts or is recent.

Capacity of minors to act as guardians.

20. A minor is incompetent to act as guardian of any minor except his own wife or child or, where he is the managing member of an undivided Hindu family, the wife or child of another minor member of that family.

Remuneration of guardian.

21. (1) A guardian appointed or declared by the Court shall be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties.

(2) When an officer of the Government, as such officer, is so appointed or declared to be guardian, such fees shall be paid to the Government out of the property of the ward as the Government, by general or special order, directs.

Control of Deputy Commissioner as guardian.

22. A Deputy Commissioner appointed or declared by the Court to be guardian of the person or property, or both, of a minor shall, in all matters connected with the guardianship of his ward, be subject to the control of the Government or of such authority as the Government, by notification in the official Gazette, appoints in this behalf.

Guardian of the Person.

Duties of guardian of the person.

23. A guardian of the person of a ward is charged with the custody of the ward and must look to his support, health and education, and such other matters as the law to which the ward is subject requires.

Title of guardian to custody of ward.

24. (1) If a ward leaves or is removed from the custody of a guardian of his person, the Court, if it is of opinion that it will be for the welfare of the ward to return to the custody of his guardian, may make an order for his return, and for the purpose of enforcing the order may cause the ward to be arrested and to be delivered into the custody of the guardian.

(2) For the purpose of arresting the ward, the Court may exercise the power conferred on a Magistrate of the first class by section 100 of the Code of Criminal Procedure.

(3) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship.

25. (1) A guardian of the person appointed or declared by the Court, unless he is the Deputy Commissioner or is a guardian appointed by will or other instrument, shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction except for such purposes as may be prescribed.

Removal of ward from jurisdiction.

(2) The leave granted by the Court under sub-section (1) may be special or general, and may be defined by the order granting it.

Guardian of Property.

26. A guardian of the property of a ward is bound to deal therewith as carefully as a man of ordinary prudence would deal with it if it were his own, and, subject to the provisions of this chapter, he may do all acts which are reasonable and proper for the realisation, protection or benefit of the property.

Duties of guardian of property.

27. Where a guardian has been appointed by will or other instrument, his power to mortgage or charge, or transfer by sale, gift, exchange or otherwise, immovable property belonging to his ward is subject to any restriction which may be imposed by the instrument, unless he has under this Regulation been declared guardian and the Court which made the declaration permits him by an order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.

Powers of testamentary guardian.

28. When a person other than a Deputy Commissioner, or than a guardian appointed by will or other instrument, has been appointed or declared by the Court to be guardian of the property of a ward, he shall not, without the previous permission of the Court,—

Limitation of powers of guardian of property appointed or declared by the Court.

(a) mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable pro-

part of that property for a term or for any term extending more than date on which the ward will cease

of immovable property by a guardian either of the two last foregoing at the instance of any other person

Voidability of transfers made in contravention of section 27 or section 28.

tion to the guardian to do any of the section 28 shall not be granted by the of necessity or for an evident advant-

Practice with respect to permitting transfers under section 28.

one year beyond five years to be a minor. 29. A dis in contraveni sections is void affected thereby 30. (1) Pe Court mentioned i age to fl granting the permission shall recite intage, as the case may be, describe the it to which the act permitted is to be ach conditions, if any, as the Court h to the permission; and it shall be

(3) The Court may in its discretion attach to the permission the following among other conditions, namely:—

(b) that a sale shall be made to the highest bidder by public auction, before the Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court, subject to any rules made under this Regulation by the Chief Court, directs;

(d) that the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian, to be disbursed therefrom or to be invested by the Court on prescribed securities or to be otherwise disposed of as the Court directs.

Variation of powers of guardian of property appointed or declared by the Court.

Right of guardian so appointed or declared to apply to the Court for opinion in management of property of ward.

(2) If the Court considers it for summary disposal, it shall cause to be served on, and the hearing to be by, such of the persons interested as the Court thinks fit.

Obligations on guardian of property appointed or declared by the Court.

(a) - if so required by nearly as may be in the pre-

(a)- if so required by the court, the bond shall be made payable to the order of the court and such sum as may be determined by the court.

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the Court, to enure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward;

(b) if so required by the Court, deliver to the Court, within six months from the date of his appointment or declaration by the Court or within such other time as the Court directs, a statement of the immovable property belonging to the ward, of the money and other movable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

(c) if so required by the Court, exhibit his accounts in the Court at such times and in such form as the Court from time to time directs;

(d) if so required by the Court, pay into the Court at such time as the Court directs the balance due from him on those accounts, or so much thereof as the Court directs; and

(e) apply for the maintenance, education and advancement of the ward and of such persons as are dependent on him, and for the celebration of ceremonies to which the ward or any of those persons may be a party, such portion of the income of the property of the ward, as the Court from time to time directs, and, if the Court so directs, the whole or any part of that property.

34. Where a guardian appointed or declared by the Court has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may, on application made by petition and on being satisfied that the engagement of the bond has not been kept, and upon such terms as to security, or providing that any money received be paid into the Court, or otherwise as the Court thinks fit, assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as trustee for the ward, in respect of any breach thereof.

Suit against guardian where administration bond was taken.

35. (1) Where a guardian appointed or declared by the Court has not given a bond as aforesaid, any person, with the leave of the Court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, such amount as may be found to be payable by the guardian or his representative, as the case may be.

Suit against guardian where administration bond was not taken.

(2) The provisions of sub-section (1) shall, so far as they relate to a suit against a guardian, be subject to the provisions of Order XXXII, Rule 4, sub-rule (2), of the Code of Civil Procedure.

36. Nothing in either of the two last foregoing sections shall be construed to deprive a ward or his representative of any remedy against his guardian, or the representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his representative would have against his trustee or the representative of the trustee.

General liability of guardian as trustee.

Termination of Guardianship.

Right of
survivorship
among joint
guardians.

37. On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors until a further appointment is made by the Court.

Removal of
guardian.

38. The Court may, on the application of any person interested, or of its own motion, remove a guardian appointed or declared by the Court, or a guardian appointed by will or other instrument, for any of the following causes, namely :—

- (a) for abuse of his trust ;
- (b) for continued failure to perform the duties of his trust ;
- (c) for incapacity to perform the duties of his trust ;
- (d) for ill-treatment, or neglect to take proper care, of his ward ;
- (e) for contumacious disregard of any provision of this Regulation or of any order of the Court ;
- (f) for conviction of an offence implying, in the opinion of the Court, a defect of character which unfits him to be the guardian of his ward ;
- (g) for having an interest adverse to the faithful performance of his duties ;
- (h) for ceasing to reside within the local limits of the jurisdiction of the Court ;
- (i) in the case of a guardian of the property, for bankruptcy or insolvency ;
- (j) by reason of the guardianship of the guardian ceasing or being liable to cease, under the law to which the minor is subject :

Provided that a guardian appointed by will or other instrument, whether he has been declared under this Regulation or not, shall not be removed—

(a) for the cause mentioned in clause (g) unless the adverse interest accrued after the death of the person who appointed him, or it is shown that that person made and maintained the appointment in ignorance of the existence of the adverse interest, or

(b) for the cause mentioned in clause (h) unless such guardian has taken up such a residence as, in the opinion of the Court, renders it impracticable for him to discharge the functions of guardian.

Discharge of
guardian.

39. (1) If a guardian appointed or declared by the Court desires to resign his office, he may apply to the Court to be discharged.

(2) If the Court finds that there is sufficient reason for the application, it shall discharge him, and, if the guardian making the application is the Deputy Commissioner and the Government approves of his applying to be discharged, the Court shall in any case discharge him.

Cessation of
authority of
guardian.

40. (1) The powers of a guardian of the person cease—

- (a) by his death, removal or discharge ;
- (b) by the ward ceasing to be a minor ;
- (c) in the case of a female ward, by her marriage

to a husband who is not unfit to be guardian of her person, or, if the guardian was appointed or declared by the Court, by her marriage to a husband who is not, in the opinion of the Court, so unfit; or,

(d) in the case of a ward whose father was unfit to be guardian of the person of the ward, by the father ceasing to be so or, if the father was deemed by the Court to be so unfit, by his ceasing to be so in the opinion of the Court.

(2) The powers of a guardian of the property cease—

(a) by his death, removal or discharge;

(b) by the ward ceasing to be a minor.

(3) When for any cause the powers of a guardian cease, the Court may require him or, if he is dead, his representative to deliver as it directs any property in his possession or control belonging to the ward or any accounts in his possession or control relating to any past or present property of the ward.

(4) When he has delivered the property or accounts as required by the Court, the Court may declare him to be discharged from his liabilities save as regards any fraud which may subsequently be discovered.

41. When a guardian appointed or declared by the Court is discharged, or, under the law to which the ward is subject, ceases to be entitled to act, or when any such guardian or a guardian appointed by will or other instrument is removed or dies, the Court, of its own motion or on application under Chapter II, may, if the ward is still a minor, appoint or declare another guardian of his person or property, or both, as the case may be.

Appointment of successor to guardian dead, discharged or removed.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

42. (1) The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian appointed or declared by the Court.

Orders for regulating conduct or proceedings of guardians, and enforcement of those orders.

(2) Where there are more guardians than one of a ward, and they are unable to agree upon a question affecting his welfare, any of them may apply to the Court for its direction, and the Court may make such order respecting the matter in difference as it thinks fit.

(3) Except where it appears that the object of making an order under sub-section (1) or sub-section (2) would be defeated by the delay, the Court shall, before making the order, direct notice of the application therefor or of the intention of the Court to make it, as the case may be, to be given, in a case under sub-section (1), to the guardian or, in a case under sub-section (2), to the guardian who has not made the application.

(4) In case of disobedience to an order made under sub-section (1) or sub-section (2), the order may be enforced in the same manner as an injunction granted under Rule 1 or Rule 2 of Order XXXIX of the Code of Civil Procedure, in a case under sub-section (1), as if the ward were the plaintiff and the guardian were the defendant or, in a case under sub-section (2), as if the guardian who made the application were the plaintiff and the other guardian were the defendant.

(5) Except in a case under sub-section (2), nothing in this section shall apply to a Deputy Commissioner who is, as such, a guardian.

Penalty for removal of ward from jurisdiction.

43. If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward, a guardian appointed or declared by the Court removes the ward from the limits of the jurisdiction of the Court in contravention of the provisions of section 25, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment in the civil jail for a term which may extend to six months.

Penalty for contumacy.

44. (1) In the following cases, namely :—

(a) if a person having the custody of a minor fails to produce him or cause him to be produced in compliance with a direction under section 11, sub-section (1), or to do his utmost to compel the minor to return to the custody of his guardian in obedience to an order under section 24, sub-section (1), or—

(b) if a guardian appointed or declared by the Court fails to deliver to the Court, within the time allowed by or under clause (b) of section 33, a statement required under that clause, or to exhibit accounts in compliance with a requisition under clause (c) of that section, or to pay into the Court the balance due from him on those accounts in compliance with a requisition under clause (d) of that section, or—

(c) if a person who has ceased to be guardian, or the representative of such a person, fails to deliver any property or accounts in compliance with a requisition under section 40, sub-section (3),

the person, guardian or representative, as the case may be, shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and in case of recusancy to further fine not exceeding ten rupees for each day after the first during which the default continues, and not exceeding five hundred rupees in the aggregate, and to detention in the civil jail until he undertakes to produce the minor or cause him to be produced, or to compel his return, or to deliver the statement or to exhibit the accounts or to pay the balance, or to deliver the property or accounts, as the case may be.

(2) If a person who has been released from detention on giving an undertaking under sub-section (1) fails to carry out the undertaking within the time allowed by the Court, the Court may cause him to be arrested and re-committed to the civil jail.

Report by Deputy Commissioner and subordinate Courts.

45. (1) The Court may call upon the Deputy Commissioner, or upon any Court subordinate to the Court, for a report on any matter arising in any proceeding under this Regulation and treat the report as evidence.

(2) For the purpose of preparing the report the Deputy Commissioner or the Judge of the subordinate Court, as the case may be, shall make such inquiry as he deems necessary, and may for the purposes of the inquiry exercise any power of compelling the attendance of a witness to give evidence or produce a document which is conferred on a Court by the Code of Civil Procedure.

Orders appealable.

46. An appeal shall lie to the Chief Court from an order made by a District Court,—

(a) under section 6, appointing or declaring or refusing to appoint or declare a guardian; or,

(b) under section 8, sub-section (3), returning an application; or,

(c) under section 24, making or refusing to make an order for the return of a ward to the custody of his guardian; or,

(d) under section 25, refusing leave for the removal of a ward from the limits of the jurisdiction of the Court, or imposing conditions with respect thereto; or,

(e) under section 27 or section 28, refusing permission to a guardian to do an act referred to in the section; or,

(f) under section 31, defining, restricting or extending the powers of a guardian; or,

(g) under section 38, removing a guardian; or,

(h) under section 39, refusing to discharge a guardian; or,

(i) under section 42, regulating the conduct or proceedings of a guardian or settling a matter in difference between joint guardians, or enforcing the order; or,

(j) under section 43 or section 44, imposing a penalty.

47. Save as provided by the last foregoing section and by sections 114 and 115 of the Code of Civil Procedure, an order made under this Regulation shall be final, and shall not be liable to be contested by suit or otherwise. Finality of other orders

48. The costs of any proceedings under this Regulation including the costs of maintaining a guardian or other person in the civil jail, shall, subject to any rules made by the Chief Court under this Regulation, be in the discretion of the Court in which the proceeding is had. Costs.

49. (1) In addition to any other power to make rules conferred expressly or impliedly by this Regulation, the Chief Court may from time to time make rules consistent with this Regulation,-- Power of Chief Court to make rules

(a) as to the matters respecting which, and the time at which, reports should be called for from Deputy Commissioners and subordinate Courts;

(b) as to the allowances to be granted to, and the security to be required from, guardians, and the cases in which such allowances should be granted;

(c) as to the procedure to be followed with respect to applications of guardians for permission to do acts referred to in sections 27 and 28;

(d) as to the circumstances in which such requisitions as are mentioned in clauses (a), (b), (c) and (d) of section 33 should be made;

(e) as to the preservation of statements and accounts delivered and exhibited by guardians;

(f) as to the inspection of those statements and accounts by persons interested;

(g) as to the custody of money, and securities for money, belonging to wards;

(h) as to the securities on which money belonging to wards may be invested;

(i) as to the education of wards for whom guardians, not being Deputy Commissioners, have been appointed or declared by the Court; and,

(j) generally, for the guidance of the Courts in carrying out the purposes of this Regulation.

(2) Rules under clauses (a) and (i) of sub-section (1) shall not have effect until they have been approved by the Government, nor shall any rule under this section have effect until it has been published in the official Gazette.

Applicability
of Regulation
to guardians
already ap-
pointed by
Court.

50. A guardian appointed by or holding a certificate of administration from a Civil Court under any enactment repealed by this Regulation shall, save as may be prescribed, be subject to the provisions of this Regulation, and of the rules made under it, as if he had been appointed or declared by the Court under Chapter II.

THE SCHEDULE. ENACTMENTS REPEALED. (See Section 2.)

Description, number and year.	Title or subject.	Extent of repeal.
Notification by the Government of India, Foreign Department No. 75—J., dated the 25th April 1872.	Rules relating to the Custody and Guardianship of Minors, Idiots and other disqualified persons in the Province of Mysore.	The whole, except Rule 22 and so much of Rule 23 as relates to orders passed under Rule 22, and except so far as may be necessary to give effect to Rule 22.
Regulation III of 1900	The Mysore Court Fees Regulation, 1900.	Section 28, and Article 9 of Schedule I.

T. ANANDA ROW,

Dewan.